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U.S. DISTRICT COURT  
DISTRICT OF WYOMING  
2015 APR 29 AM 11 34

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U.S. Representative for Wyoming*

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING**

JACQUELINE S. JUDD,

Petitioner,

v.

CYNTHIA LUMMIS,  
U.S. Representative for Wyoming,

Respondent.

Case No. 15-cv-64-S

**MOTION FOR EXTENSION OF TIME TO FILE ANSWER OR MOVE TO DISMISS**

Respondent the Honorable Cynthia Lummis, U.S. Representative for Wyoming, by  
counsel, respectfully moves this Court pursuant to Local Civil Rule 6(b) for an enlargement of

\* Attorneys for the Office of General Counsel for the U.S. House of Representatives are  
“entitled, for the purpose of performing the counsel’s functions, to enter an appearance in any  
proceeding before any court of the United States or of any State or political subdivision thereof  
without compliance with any requirements for admission to practice before such court.”  
2 U.S.C. § 5571(a).

time to answer or move with respect to the initial pleading in this removal action.<sup>1</sup> In support of this relief, Congresswoman Lummis states as follows.

1. This matter initially was filed on March 20, 2015, in the District Court, 7th Judicial District, Natrona County, Wyoming (“7th Judicial District”). A copy of the initial pleading was served upon a staff member at Congresswoman Lummis’s district office in Cheyenne on April 9, 2015. This cause was removed to this Court by Notice of Removal filed simultaneously with this Motion, on April 29, 2015.

2. Pursuant to Rule 81(c) of the Federal Rules of Civil Procedure, an answer or response to the initial pleading must be filed within either seven days of removal or 21 days after service, whichever is later. Congresswoman Lummis’s answer or motion is therefore currently due on or about May 6, 2015.

3. Had this action initially been filed in this Court – as it should have been, for reasons to be explained fully in Congresswoman Lummis’s response to the initial pleading – the Congresswoman would have been entitled to 60 days after service of that pleading to respond to it, i.e., until June 8, 2015. *See* Fed. R. Civ. P. 12(a)(2) (“[A] United States officer or employee sued only in an official capacity must serve an answer to a complaint, counterclaim, or crossclaim within 60 days after service on the United States attorney.”).

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<sup>1</sup> Congresswoman Lummis acknowledges that Local Civil Rule 6(b) contemplates that initial requests for an extension of time, like this one, must be sought “upon oral motion” to the presiding judge “[a]fter consultation with and approval by opposing counsel.” However, the case has not yet been assigned to a judge, insofar as the Congresswoman is filing this motion simultaneously with her Notice of Removal (in light of the impending May 6, 2015 deadline for her answer or response). Moreover, the Congresswoman has not consulted with Petitioner Jacqueline Judd prior to seeking this extension of time because Ms. Judd appears to be proceeding *pro se*. *See* Local Civ. R. 7.1(b)(1)(A) (no duty to confer in “cases involving pro se parties”).

4. The initial pleading in this action suffers from numerous defects, including several incurable jurisdictional deficiencies, which will take substantial time to catalog and address fully. The initial pleading also makes factual allegations that counsel will need time to discuss with Congresswoman Lummis in order to formulate an appropriate response.

5. An enlargement of sixty (60) days from delivery of the initial pleading on April 9, 2015 – i.e., until June 8, 2015 – should be sufficient time for counsel to prepare a thorough response to the initial pleading.

6. No extensions of time previously have been requested by, or granted to, Congresswoman Lummis in this matter. *See* Local Civ. R. 6.1(e).

WHEREFORE, Congresswoman Lummis respectfully requests that the time required for her to answer or otherwise respond to the initial pleading in this action be enlarged to June 8, 2015.

Respectfully submitted,

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*Counsel for Respondent the Honorable Cynthia Lummis, U.S. Representative for Wyoming*

April 29, 2015

**CERTIFICATE OF SERVICE**

I hereby certify that on April 29, 2015, I filed the foregoing Motion for Extension of Time to File Answer or Move to Dismiss with the Clerk of the Court for the U.S. District Court for the District of Wyoming by Federal Express overnight delivery. I further certify that I served one copy by first class mail, postage prepaid, on:

Ms. Jacqueline S. Judd  
155 North Fenway Street  
Casper, WY 82601

  
Sarah E. Clouse